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## **Does Morality Have a Point?**

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# Does Morality Have a Point?

## *Abstract*

Proceeding from the assumption that moral discourse is best conceived of as a practice in the technical sense specified by John Rawls, this paper discusses whether it is possible, adequate or even necessary to take up a legislative perspective on the constitutive rules of the practice. There seem to exist two principal legislative manoeuvres with respect to practices, namely (a) rendering the practice under consideration compatible with a practice that is more important and (b) evaluating the constitutive rules of the practice with respect to its point, purpose or *telos*. I put under scrutiny two projects in normative ethics which offer an affirmative answer regarding the possibility of moral legislation and which make use of the respective manoeuvres, namely neo-Hobbesian contractarianism and rule-consequentialism. I thereupon inquire into the merits of a position that draws upon broadly Wittgensteinian considerations and that denies the existence of such a thing as a legislative perspective on morality.

## I. Assessing Practices

Disputes over moral questions are very common in our society. Some of these disputes are of an argumentative nature while others are not. However, in order for there to exist an argumentative dispute instead of a mere practical conflict, at some point some degree of practical agreement has to exist between the disputing parties. If they do not share a standard of success with respect to moral argumentation – that is, if they do not agree on what counts as a good or valid argument in favour of or against a moral verdict – they cannot really be said to engage in an argumentative exchange. Viewed from this perspective, moral discourse<sup>1</sup> seems to be a kind

1. Some philosophers have expressed doubts as to whether there exists a sufficiently clear and unitary notion answering to the term “morality”. These doubts are exaggerated. Most people are competent with terms such as “immoral”, “wrong” and “reprehensible”. They know what considerations can be appealed to in order to defend judgements containing such terms and they react to condemnations cast in these terms in ways sig-

of practice in the technical sense defined by John Rawls as “any form of activity specified by a system of rules<sup>2</sup> which defines offices, roles, moves, penalties, defenses, and so on, and which gives the activity its structure” (1955, 3).<sup>3</sup> A practice in this technical sense should not be confused with a widely-shared habit or a common procedure, both of which probably sat-

nificantly different from those in which they react to criticism regarding, e.g., the reasonableness or rationality of their actions. Moreover, they are able to train others (typically their children) to use the above-mentioned terms correctly. It is an entirely different question, however, whether we have at our disposal a philosophical account of morality, i.e. an account rendering explicit the core differences between morality and other behavioural standards. The philosophical account of morality that I find most promising is the one espoused by Stephen Darwall. According to this account, moral obligation is conceptually tied to certain Strawsonian reactive attitudes (such as indignation, moral blame, and resentment) through which people hold each other accountable. That is, when we adopt such reactive attitudes, “we implicitly address demands *to* the objects of these attitudes; we take up what Strawson called an ‘inter-personal’ [...] standpoint towards someone and imaginatively *hold* her responsible” (2013a, 10). This does not happen when we assess someone’s behaviour as unreasonable, irrational or downright stupid. In these cases, “there is clearly no implicit demand that the object of [...] disdain stop being so stupid or answer for his stupidity” (Darwall 2013a, 10). The conceptual connection between the reactive attitudes and the behavioural standard of morality is a normative one: whether a specific reactive attitude is warranted depends on whether the object of that attitude has failed to fulfil her moral obligations. Feeling indignation or resentment towards someone hence presupposes feeling that she or he has fallen short of the standard set by morality. It has to be admitted that Darwall’s characterization of the distinctiveness of morality does not cover the realm of the supererogatory, since we do not hold each other accountable for failing to realize the most praiseworthy among our practical options where this does not coincide with our moral obligations. In order to account for the supererogatory, Darwall’s account would have to be supplemented either with a characterization of the conceptual connections between the supererogatory and the deontic or with an independent account of the supererogatory. However, I think that the above remarks, though somewhat incomplete, provide a sufficiently useful outline of how the term “morality” is used in the present paper.

2. In the present paper, I use the term “rule” in a rather wide sense that includes everything that is capable of serving as a standard of correctness or adequacy. In particular, I will assume that paradigmatic cases too can constitute a rule and, hence, that not every rule has the form of an articulable principle (cf. Baker and Hacker 1984, 250–256). Moreover, when I speak of the “existence” of certain rules I mean that they “are generally invoked by members of a social group, directly or indirectly, in guiding, justifying, explaining, identifying and teaching the behaviour to which they are relevant” (Baker and Hacker 1984, 262).

3. Precisely how powerful the resources provided by the established practice of moral discourse are – that is, to what extent they enable those using them to achieve convergence regarding their moral verdicts – is an interesting question that I unfortunately cannot pursue in the present paper.

isfy the everyday concept of a practice, but lack the normative element that is part of the definition of the technical concept.

Practices (in the technical sense outlined above) are set apart from other activities by what John Searle calls “constitutive rules” (1969, 33–42). Violating constitutive rules (e.g. the rules of chess) amounts to abandoning the respective practice (i.e. to not playing chess at all).<sup>4</sup> In contrast, violating “regulatory,” “strategic,” or “instrumental” rules (e.g. the rules of cooking) might result in a bad performance of the respective activity (e.g. bad cooking) but it does not necessarily amount to doing something that no longer counts as an engagement in that activity (see Wittgenstein 1974, 184). In the case of a practice (e.g. the law or football), particular moves or actions within it can only be justified with respect to their legitimacy or validity by reference to the constitutive rules, whereas the particular steps in an activity such as cooking do not necessarily have to be justified by reference to the rules of cooking because the only thing that matters in the end is the result, namely good tasting food. It is possible to demonstrate that a certain step in cooking is reasonable or justified by showing that it is conducive to the aim of cooking (regardless of whether there exists a corresponding rule), but there is no such thing as a “valid move” in cooking. In contrast, valid and invalid moves do exist in chess, but one cannot demonstrate the validity of one particular move by showing how it contributes to the aims that chess players typically pursue (e.g. the experience of an intellectual challenge combined with the excitement of competition). Since the constitutive rules of chess are not deterministic – they leave several options open to the players in most situations – there is room for rules of another kind, namely strategic rules, the disregard of which does not amount to not playing chess anymore (or playing a different game) but, at most, to unskilful and unsuccessful playing.<sup>5</sup>

However, usually it is not only particular moves within a practice that can be assessed but also the practice itself, that is, its constitutive rules.

4. It is of course somewhat pedantic to claim that a single violation of a constitutive rule always results in a complete abandonment of the respective practice. This might be true in the case of competitive chess but it is probably not true for many other practices.

5. The last point is probably irrelevant with respect to the case of the practice of moral discourse since its constitutive rules do not explicitly allow for the existence of multiple valid moves in the same situation in the way the rules of chess do. The rules under consideration are those that determine what does and does not count as a good reason for mapping certain evaluative and deontic predicates to manners of behaviour. These rules are not to be confused with the ensuing moral verdicts, which of course often imply that different courses of action are morally permissible in certain situations.



There exist, so to speak, two levels of evaluation: that of the judge and that of the legislator (Rawls 1955, 6). One could therefore push the reflection one step further and ask what (if any) considerations *legislators* can appeal to in order to justify their decisions. Two types of considerations come to mind: firstly, the compatibility of the practice under consideration with other practices (in particular those which are in a certain sense more important than the one which is to be assessed) and secondly, the *point* or *telos* of the respective practice. “The game,” Ludwig Wittgenstein writes in the *Philosophical Investigations* (and the game is his favourite model for the elucidation of social practices in general), “has not only rules but also a *point*” (§564) and it can lose its point if some of its rules are changed or if some of the environmental conditions in which it is embedded change (Baker and Hacker 2009, 211–218). The work of company compliance departments can be regarded as an example of the first option. Compliance departments assess the internal practices and policies of their company with respect to their compatibility with the law. The abolition of the “golden goal” (or “sudden death”) rule in 2004 by the International Federation of Association Football (FIFA) can serve as an example of the second option. The rule was abolished because it made the game unattractive to play as well as to watch, which is contrary to its very point.

The question I want to discuss in the present paper is whether it is possible, rationally adequate or even necessary to take up a legislative perspective on morality. This question is important since it has consequences on the tenability of moral revisionism – at least if, as it is *prima facie* reasonable to assume, substantial revisions of common morality cannot be achieved without changing the constitutive rules of moral discourse.<sup>6</sup> Some (though not I) might even see the fate of first-order moral philosophy as a critical enterprise to be at stake here.<sup>7</sup> Several well-known pro-

6. Many philosophers seem to assume that the constitutive rules of moral discourse are rather minimalistic or formalistic (i.e. requiring only such things as coherence); however, in order to argue for a certain substantive position, they need to make somewhat contentious manoeuvres elsewhere. They need, for example, to postulate a shared quasi-perceptive and rather obscure epistemic faculty (intuition) that delivers beliefs endowed with a certain initial plausibility, on which the minimalistic constitutive rules of discourse can then operate. I, however, will proceed from the assumption that the constitutive rules of moral discourse themselves provide all of the argumentative resources available to the participants of moral disputes.

7. Taking a critical stance vis-à-vis popular moral opinions does not need to consist in criticizing the constitutive rules of moral discourse since it can also consist in criticizing the way other people make use of the rules or showing that, appearances to the contrary

jects in moral philosophy can be regarded as committing themselves implicitly or explicitly to a certain position regarding the question set out above. I will take a closer look at two of these projects, namely neo-Hobbesian contractarianism and rule-consequentialism, explain in what way they commit themselves to a certain position regarding the possibility of moral legislation, and assess the validity of the respective positions. I have chosen these two accounts because (a) they are more recent and sophisticated than others, (b) they constitute particularly clear instances of the two legislation manoeuvres mentioned above, (c) they are laudably explicit about what they regard as the requirements a moral code or practice needs to meet, and (d) they represent the two families of theory in normative ethics that are commonly taken to have the strongest revisionist potential, which of course indicates that they hold legislative ambitions that are more pronounced than those of their competitors (e.g. particularism, pluralism, virtue ethics, contractualism, and Kantianism).<sup>8</sup> Subsequently, I will lay out some of the arguments in favour of and against the autonomist position, i.e. the position according to which there can be no such thing as a legislative enterprise in morality.

Before setting out to do just that, I would like to quickly address one worry which threatens to stop the whole inquiry in its tracks, namely that regarding morality as a practice is mistaken in the first place. There are two interconnected considerations that fuel this suspicion. Firstly, with most practices one can choose to participate in them but one cannot choose one's morals. One can decide to play football and one can decide to participate in a certain institution with defined offices, processes, etc. In contrast, it seems impossible to decide whether to participate in morality – it is not even clear what that is supposed to mean. People who make moral judgements usually have not chosen to do so. They simply find

notwithstanding, they do not make use of them at all. That philosophers are well-suited for this job is suggested by the fact that they usually are better trained than most others to be on the guard against some of the factors that tend to distort moral judgements and are therefore in a position to apply the mentioned rules more expertly than others. They usually also have a larger amount of comparable cases in the back of their minds when thinking about how to assess a certain case, which helps them to discover tensions and inconsistencies between different case judgements (cf. for example, Jonsen 1993, 436).

8. Even though I think that the two chosen accounts exhibit weaknesses characteristic of attempts at moral legislation in general, I of course admit that a sample limited to two cases cannot be regarded as representative. Hence, the discussion of the two cases should be regarded as an attempt to illustrate a certain problem, and not as an attempt to conclusively prove the impossibility of moral legislation.

themselves doing it. One can decide whether or not to participate in a moral discourse but one cannot decide whether or not one is being sincere when doing so, i.e. whether one really engages in moral judgement.

However, the possibility to decide about participating in a given activity does not constitute a necessary condition for its being a practice because participating in a practice can become second nature to us. This is arguably the case with our mastery of concepts. Once one has acquired a certain concept, one usually cannot help but perceive certain things as fulfilling that concept. When one acquires a concept, one acquires a set of discriminatory and inferential *abilities*, but these abilities partly rest on *one-way dispositions*, that is, dispositions about the realization of which one cannot decide (see Glock 2010, 100–101; Ertz 2008, 30). The hallmark of a practice is constituted rather by a certain normative embedment of the respective actions or, more specifically, by the ability of the agents to make, recognize and correct mistakes of a certain form, namely those that can be criticized by reference to constitutive (rather than regulative) rules (see Glock 2000, 45). Applications of a concept – even if they are not subject to one’s will – can be mistaken in this way (see Glock 2010, 101) as can, according to the claim under consideration, moral judgements and the arguments upon which the former are based. Certain reactions and forms of behaviour might superficially resemble legitimate moves within the practice of moral discourse but nevertheless amount to a partial abandonment of the practice since they do not conform to its constitutive rules.

Secondly, one could protest that, *truth* rather than conformity to the rules of a practice is the sole measure of the adequacy of a “move” within moral discourse. To this, one could however simply reply that it is the moral practice that determines what counts as true or correct and what does not. This option cannot be swiftly dismissed since it is able to meet three requirements, more or less straightforwardly, which have proven to be major obstacles for the traditional contenders in the meta-ethical debate, namely (1) ontological parsimony (by conceiving of moral discourse as a “practically enriched language-game” (Kiesselbach 2012, 7) *sui generis* instead of a discourse about super-natural or “make-believe” properties of actions); (2) the ability to account for the argumentative or non-subjectivist structure of moral discourse (by emphasizing the importance of shared standards of argumentative success, i.e. standards that determine what counts as a valid justification move); and (3) the ability to account for the practicality (or “motivational force”) of moral judgements

(by assuming that the satisfaction of certain emotional and motivational conditions is among the ascription criteria for moral convictions<sup>9</sup>). Furthermore, conceiving of morality as a kind of practice is also in tune with what we know about how people become acquainted with moral standards. It is, after all, no secret that we are trained and educated to judge and conditioned to feel in certain ways by our parents, nursery-school teachers, etc. and that we as adults constantly keep each other in line by sanctioning certain forms of behaviour and asking for justification.

It is true, however, that by regarding something as a *practice* one excludes it from the realm of things that can be evaluated in respect to their truth. Only particular moves within the practice can be correct or incorrect (and, arguably, true or false), not the practice itself. However, it is not a general defence of accounts conceiving of morality as a practice that I am concerned with in the present paper, but rather the question of whether, provided that morality can be regarded as a practice, there is reason to assume that such a thing as a legislative perspective on it exists. I will begin my inquiry by discussing two positions that answer this question in the affirmative.

## 2. Morality as Restricted by Instrumental Rationality

One way of formulating the core idea of neo-Hobbesian contractarianism is that morality cannot ask us to do anything that rationality would not allow and that rationality has to be understood in the more or less well-known instrumentalist way. A recent and very staunch defender of this idea is the German philosopher Peter Stemmer. He argues that in view of the religious origins of common moral practice one has to reckon with the possibility that participation in it is no longer rational once the respective religious assumptions are abandoned. Should this be true, one should seek to replace common morality with something that is rationally defensible even without the religious framework in which the former used to be embedded (2000, 6–10).

9. By making such an assumption, one accepts that people without the right emotional-cum-motivational make-up (induced by what is known as a “good upbringing,” i.e. early conditioning or training) – be they intelligent or not – are not fit for full participation in the moral practice. One accepts that even the best moral argument fails to induce the according moral conviction in certain individuals.

As is well known, neo-Hobbesian contractarianism is heavily revisionistic. This revisionism is mainly due to the fact that creatures with limited intellectual abilities have neither the bargaining power nor the rational self-control required to take part in a quasi-contractual agreement that could work in their favour. Animals, for example, fall completely out of the scope of morality. It is thus not much of an exaggeration to say that those most in need of protection are the ones least protected by contractarian morality (Stemmer 2000, 198–199; 210; 255–264).<sup>10</sup> Stemmer sets these consequences out very clearly and tells us that, as intellectually responsible people, we have no choice but to live with them – be this comfortable or not.<sup>11</sup>

What happens here is that common morality (or the established moral practice) is measured against another behavioural standard, namely that of instrumentalist rationality. It is found to be deficient and, accordingly, is replaced by a practice not only consistent with the standard of instrumentalist rationality but whose establishment is even demanded by it. Given that this whole manoeuvre is built upon granting exclusive normative authority (or at least strict normative priority) to the standard of instrumentalist rationality, Stemmer says surprisingly little on this question. It seems that, according to him, instrumentalist rationality is simply the only intelligible conception of practical rationality (cf. 2000, 16–22).<sup>12</sup> David Gauthier, the “godfather” of neo-Hobbesian contractarianism, is a bit more explicit with respect to this point: “There is,” he writes, “simply nothing else for practical rationality to be” (1991, 20). However, the incompatibility between instrumentalist rationality and common morality is not at all surprising; it has been a well-known fact for a long time. The much more interesting question is which (if any) of the two incompatible behav-

10. Hence the joke that “Hobbesian contractarianism *contracts* morality beyond plausibility” (Hooker 2000, 7). It should be noticed, however, that neo-Hobbesian contractarians usually do not embrace doing justice to the established moral practice (or to our “considered judgements”) as their philosophical aim (cf. Stemmer 2000, 247; 263–264).

11. See also Gauthier (1987, 17–18; 268–269), who espouses a similar position.

12. Compare what Stemmer writes with respect to what he regards as the Kantian conception of practical rationality: “The decisive question at issue is what it is supposed to mean that an action is reasonable in and of itself as opposed to reasonable in virtue of being the best means of attaining a given aim of a person. In my assessment, it contradicts the meaning of “reasonable” to say of an action that it is reasonable, period. Such talk seems to be without specifiable meaning, since the phenomena to which it refers do not exist: There are no actions which are simply and absolutely reasonable [my translation]” (2000, 24).

ioral standards should be granted normative priority over the other. According to Gauthier, “it is difficult to deny that deliberative justification [i.e. maximization of the agent’s expected utility] is more clearly basic, that it cannot be avoided insofar as we are rational agents, so that if moral justification conflicts with it, morality seems not only unsupported but opposed by what is rationally more fundamental” (1991, 19). What according to him makes instrumental rationality so fundamental is that it “relates to our deep sense of self” (1991, 19). Elaborating on this point, he depicts the instrumentalist mode of reasoning as a more or less inevitable offspring of the human capacity to represent states of affairs – either as something that is the case or as something we want to be the case. By representing our wants and beliefs, we “bring them into relation with one another,” which allows us to recognize conflicts among them and hence, “rationality thrust[s] upon [us],” forcing us to “bring our conflicting desires and preferences into some sort of coherence. And there is only one plausible candidate for a principle of coherence – a maximizing principle. We order our preferences, in relation to decision and action, so that we may choose in a way that maximizes our expectation of preference fulfilment” (1991, 19–20). However, depicting instrumental reasoning as a mental process which takes place more or less inevitably or which simply amounts to what humans *qua* humans do because of their general psychological make-up does not help in the least to show that it is superior to other modes of reasoning. If anything, it shows that we are no longer talking about a normative standard because it must be possible to fall short of such a standard, even for people normally equipped in their intellectual abilities – especially if the standard under consideration aspires to be a moral standard.<sup>13</sup>

Furthermore, instrumentalist rationality is not only incompatible with common morality; it is also incompatible with reasonableness in the commonly understood meaning of the term. *Reasonableness* is the generic commendatory predicate preferred by the virtuous person (i.e. the adherent of common morality). In his influential *What We Owe to Each Other*, T. M. Scanlon uses the concept of reasonableness to formulate the core idea

13. According to P. F. Strawson, we abandon or at least suspend the “participant attitude” that manifests itself in specifically moral reactions such as blaming, feeling resentment and indignation in favour of an “objective attitude” when we are confronted with agents who we regard as psychologically impaired or abnormal (deranged, warped, neurotic, compulsive etc.) (2008, 9–10). This indicates that it is mentally normally equipped people who are the primary objects of moral assessment.

of his brand of moral contractualism. He explicitly sets his concept of reasonableness apart from the instrumentalist concept of rationality and maintains that this distinction “is not a technical one, but a familiar distinction in ordinary language” (1998, 192), in which he is joined by Peter Hacker, who writes:

[O]ne may be rational in pursuit of foolish, unreasonable or evil goals, if one chooses means appropriate to their attainment. Rationality is closely tied to instrumentality – the choice of efficient means to ends – and to formal correctness in reasoning. Like reasonableness, rationality is also tied to freedom from the distorting effects of bias and emotion on thinking. But reasonableness, unlike rationality, is more closely linked to the appreciation of values and their multiplicity, and to awareness of the legitimate concerns of others and hence too to the ability to find appropriate ‘balance’ between conflicting demands of situations and people. One is reasonable if one does not go beyond the limits assigned by reason: if one is undogmatic and therefore open to countervailing considerations, if one is not insensitive to the interests of others, not extravagant or immoderate in one’s expectations, and not excessive in one’s demands and aims. (2007, 202)

The sole fact that the distinction between rationality and reasonableness is more or less firmly established in ordinary language and that the adherents of common morality favour what is reasonable over what is rational (according to the instrumentalist conception) does not speak in favour of either one of the two combinations of behavioural standards (instrumental rationality combined with contractarian morality or reasonableness combined with common morality). The point is rather that several different commendatory concepts (which resemble each other to a certain degree<sup>14</sup>) obviously exist, that people live by them and that this plurality destroys the plausibility of any claim according to which only one of the respective standards (e.g. that of instrumentalist rationality) is conceivable or intelligible. It should be clear that it is possible to raise people such that they adhere to any one of these standards and to regard them as “intuitively plausible.” One could argue that history and global cultural variety have proven that. If something like instrumental rationality seems

14. As becomes apparent from the passage above taken from Hacker, the concept of reasonableness incorporates certain aspects of the concept of instrumentalist rationality. I want to add that I have certain doubts about whether the everyday use of the term ‘rational’ corresponds to the instrumentalist definition of it, for it is not at all uncommon to hear people speak of ‘irrational desires’ or ‘irrational emotions’.

to be inescapable, this might well be due to the fact that using the means one regards as suitable for the attainment of a certain outcome if the opportunity arises is one of the criteria for the attribution of a respective aim, plan, purpose or intention to a person. However, insofar as it is conceptually possible to have certain desires without using the means necessary for their fulfilment, one can imagine alternatives to the normative standard of instrumentalist rationality. Arguably, such an alternative standard is inherent in the common concept of reasonableness.

It is unlikely that contractarians like Stemmer would give in at this point. Stemmer would probably want to object that, unlike instrumentalist rationality and contractarian morality, reasonableness and common morality are behavioural standards, the enforcement of which some people (in particular the so-called amoralists or moral scepticists) will not voluntarily agree to. If one wanted to use common morality and reasonableness as the primary behavioural standards of a society, one would have to do it without the consent of certain people, which, according to Stemmer, would be tantamount to extortion (Stemmer 2000, 51; 107–120; 364–374). However, at this point in the dialectic, Stemmer is not in a position to rely on the moral force of words like “extortion” since doing so would be to already presuppose a certain substantial conception of morality.<sup>15</sup> In any case, we usually do not care all too much about whether the person whose behaviour we assess by reference to the standard of common morality actually accepts that standard. It might be true that under a contractarian morality there would be fewer “outlaws” (as Stemmer calls those who do not accept a given moral standard (2000, 154–155)) compared to a situation in which a morality richer in content is the prevalent behavioural standard: however, unless one already presupposes morality to serve a certain purpose (the attainment of which would be endangered by the existence of too large a number of outlaws), this fact does not by itself provide an argument in favour of contractarian morality.

There is a further objection that the adherents of contractarianism might want to raise. They might argue that common morality (as well as its favoured concept of reasonableness) is not intellectually respectable

15. This is the case even if what Stemmer had in mind was not relying on the normative force of moral idioms, but on the Kantian idea of self-legislation as a source of legitimation, i.e. the idea that the legitimacy of morality stems from the fact that it is a law which we, *qua* free and rational beings, subject ourselves to. That (properly qualified) consent to a behavioural standard legitimates the authority of the standard is a substantial normative claim.



since it emerged as part of a theonomous world-view and is therefore burdened by dubious ontological presuppositions. This, however, is not so clear. It might well be the case that common morality historically derives from a practice that was embedded in a theonomous world-view but this does not mean that the present practice still incorporates noxious ontology. Part of what makes practice-based accounts of morality attractive is that they conceive of morality primarily as a “practically enriched language-game” (Kiesselbach 2012, 7) that is more or less independent of empirical discourse and thereby avoid the representationalist prejudices that lead certain philosophers to ascribe weird ontological assumptions to those who make moral judgements. Moreover, the way people commonly justify their moral judgements does not by itself raise the suspicion that these judgements refer to a dubious “super-natural reality” that is not accessible through the ordinary senses or our scientific instruments. People commonly use analogies and morally enriched descriptions (like “ungrateful,” “intolerant,” “discriminatory,” etc.) in order to specify and justify their moral judgements. In what way this could be said to involve a reference to super-natural entities is far from obvious. Compare this to certain forms of religious discourse where character traits and actions are ascribed to non-incarnated person-like entities that allegedly exist beyond space and time. Even if those parts of religious discourse have to be understood in a non-literal way (e.g. allegorically), it is obvious that they are, at least at the surface, modelled after certain forms of empirical discourse and thereby invite critics to apply the same standards to them as are usually applied to empirical discourse.<sup>16</sup> It is not the case then, that people, insofar they possess a “reasonable ontology,” subscribe to assumptions or hold attitudes incompatible with wholehearted participation in the common moral practice.

What proposals like the one espoused by Stemmer ultimately amount to, is outlining a certain normative practice that differs from the established moral practice and using it to attack those parts of the established moral practice which do not conform to it. Such an attack is, *pace* Stemmer, not based on convictions shared by the adherents of common morality. Representationalist prejudices aside, there is no reason to assume that

16. It has to be conceded, though, that the lamentable tendency of many ethicists (as well as analytical philosophers in general) to refer to exercises of their moral (or linguistic) faculty of judgement as “intuitions” works in favour of those who try to assimilate morality to certain forms of religion (and their epistemology of “divine afflatus”).

by participating wholeheartedly in the common moral practice, one makes dubious ontological commitments. Moreover, it is not the case that participants of the common moral practice, insofar they are intelligent beings, implicitly accept the normative standard of instrumentalist rationality – they accept instrumental rationality only insofar as it is restricted to morally acceptable means and directed at the attainment of morally acceptable ends. In the end, the relation between common morality and neo-Hobbesian contractarianism comes down to a clash between two “pragmatically inconsistent” forms of life (cf. Arrington 1989, 260–261) since the proponents of each cannot refute the position of the other on neutral grounds, that is, grounds which the other accepts.

### 3. The Promotion of Wellbeing as the Point of Morality

An account of morality that tries to do justice to the major features and contents of common morality while at the same time trying to take up an evaluative or legislative perspective on it, is Brad Hooker’s brand of rule-consequentialism (2000, 16–19; 29–31; 104). As Hooker sees it, “the fact [t]hat rule-consequentialism is in some ways like familiar deontological views has always been a large part of the theory’s attraction. Rule-consequentialism’s implications about which acts are morally right match quite closely our common-sense, deontological intuitions” (2000, III).<sup>17</sup> What distinguishes rule-consequentialism from deontological accounts is of course its characteristic way of attempting to provide a justification for the corresponding moral rules. As is well known, the core of rule-consequentialism consists of the thought that we should “try to live by the moral code whose communal acceptance would, as far as we can tell, have the best consequences” (Hooker 2000, 1). Thus, according to Hooker, the rules of common morality can be regarded as justified if they can be shown to be equal or superior to every other set of rules with respect to the production of good consequences.

17. There are two respects in which the fact that rule-consequentialism’s verdicts coincide more or less with our pre-philosophical moral convictions can be regarded as something counting in favour of rule-consequentialism: it can either be regarded as straightforward evidence in favour of rule-consequentialism or as something indicating that no hidden change of topic has occurred, that is, as something giving credence to the claim that rule-consequentialism should be regarded as an arguably better version of what we do when we engage in everyday moral practice rather than something completely different.

One might wonder at this point – if the standard which is used for the evaluation of consequences is (at least partially) a moral one – whether this is not a circular and therefore invalid move: if a moral standard (partially) determines what counts as good, how can the very same standard be evaluated with respect to the goodness of the consequences it produces? One could counter that such worries regarding circularity arise only if one fails to distinguish between the different parts of morality. There is a part of morality concerned with questions of good and bad (i.e. the evaluative part) and then there is a part of morality concerned with questions of right and wrong (i.e. the deontological part). Assessing the deontological part of morality on the basis of the evaluative part is not circular in an obvious way. It would be circular if the good could not be defined independently of the right but that, of course, is a highly disputed issue. It is, at least according to one of the classical accounts of the distinction between consequentialist and deontological accounts, the defining feature of consequentialism to offer such independent conceptions of the good – typically ones which identify the good with the aggregate wellbeing of sentient beings.<sup>18</sup>

The interesting question is of course why we should think it possible, adequate or even necessary to measure the deontological system against the evaluative system. On the face of it, we are simply looking at two different systems that single out different things for different treatments or, more specifically, different forms of reactive behaviour and reactive attitudes. The deontological system identifies targets for blame, indignation, anger, outrage and a range of sanctioning behaviour (e.g. withdrawal of goodwill, cooperation, trust, friendship etc.), while the evaluative system identifies targets for praise, admiration and gratitude and determines the intensity of the reactive attitudes against violations of the deontological code. Why, it could be asked at this point, should the two systems be played out against each other? It is natural to think that one should measure A against B if B is either more accurate, more reliable or more important than A (in a relevant way), but in the case under consideration it is

18. Different views about what exactly constitutes wellbeing in sentient beings (ranging from “objective-list theories” over hedonistic theories to desire-fulfilment-theories) of course exist. Not least because these theories deliver largely converging verdicts about what contributes to the wellbeing of creatures in most of the situations in which people find themselves, we can at this point stay neutral with respect to which of these accounts is correct (as does Hooker (2000, 42)).

unclear in what way the evaluative system could be regarded to be more accurate, more reliable or more important than the deontological system. It is only in respect to the range of application that the evaluative system seems to be superior to the deontological system: evaluative predicates can be applied to a wider range of things than their deontological counterparts. Whereas actions, attitudes, reasons, practices, institutions, persons and states of affairs can all be good or bad, only actions and attitudes can be right or wrong. Thus, one might think that the reason why the deontological system should be measured against the evaluative system but not vice versa lies in the simple fact that the first is located in the second's area of application while the reverse is not the case. This, however, is not entirely convincing, since if one regards moral codes (or parts of them) as subject to deliberative modification by us, one also has to accept the possibility of assessing our upholding of a certain evaluative system on the basis of the deontological system. In other words, it is unclear why, given that one regards moral codes as possible objects of modification, one should not regard it as possible to criticize someone for upholding an evaluative system which assigns positive value to morally impermissible actions (e.g. killing one person in order to save two from dying).

Defenders of consequentialism could at this point complain that the remarks made above almost make it sound as if it were a lucky coincidence that the currently-established deontological system is by and large conducive to the production of wellbeing (cf. Ertz 2008, 216). However, opponents of consequentialism are certainly not committed to such a claim. They can happily admit that (a) there exist rather obvious logical connections between the concepts of goodness and rightness and (b) the production of certain forms of wellbeing and the prevention of certain forms of suffering in one way or another occupy an important (if not necessarily an exclusive) role in determining what counts as a good action according to the evaluative standard that is a part of common morality. Taking into account that an action which is morally good cannot be morally wrong and that an action which is morally wrong cannot be morally good, it is not surprising that acting in accordance with the deontological standard is by and large conducive to the production of good actions and, accordingly, to the production of a certain amount of wellbeing. Yet, as long as the opponents of consequentialism insist on the existence of such a

thing as the realm of the supererogatory,<sup>19</sup> they can escape the conclusion that the exclusive point of the deontological system belonging to common morality is to maximize the wellbeing of sentient creatures.

But what would we say, a defender of consequentialism could ask, about a deontological system that is less conducive to the production of wellbeing of sentient creatures than that of common morality? Is it not the case that we would criticize such a system precisely for its failure to produce enough wellbeing (or even as much wellbeing as possible)? And would we not say that a deontological system, the inculcation of which in the majority of people would not produce any wellbeing at all or would even produce much suffering, somehow misses the whole point of morality? These suggestions might sound appealing at first, but they provide no decisive advantage for the defenders of the consequentialist position since their opponents can, arguably with equal plausibility, state that our principle reason for rejecting deontological systems of the mentioned sort lies simply in their divergence from the deontological system that we have already internalized.

It has to be admitted, though, that Brad Hooker's case in favour of rule-consequentialism is much more sophisticated than the above-made remarks would suggest. At the beginning of his book, he presents a catalogue of five criteria for the assessment of a moral theory:

- (1) It must start from attractive general beliefs about morality.
- (2) It must be internally consistent.
- (3) It must cohere with our considered convictions.
- (4) It should tie together our various principles and provide impartial justification for them.
- (5) It should help us deal with unresolved moral questions. (2000, 1–31)

According to Hooker, neo-Hobbesian contractarianism starts from the appealing idea “that morality is a system of mutually beneficial co-operation” (2000, 7) and hence performs well with respect to criterion (1)

19. I.e. the existence of situations in which several of the available courses of action are morally permissible even though they are not equally good.

(as do, according to him, all of the popular theories in normative ethics). There is also no conclusive reason to think that neo-Hobbesian contractarianism is internally inconsistent, hence it also meets criterion (2). However, since the moral code favoured by neo-Hobbesian contractarianism offers no protection at all for some of the most weak and vulnerable creatures, it fails with respect to criterion (3). A similar diagnosis applies to classical act-consequentialism: it starts from an attractive idea about morality (i.e. that the wellbeing of every sentient being is equally important) and is internally consistent, but in demanding excessive self-sacrifice it parts from our considered convictions. Ross-style moral pluralism and particularism might be able to meet criteria (1) – (3), but they fail with respect to criteria (4) and (5) since they leave us with an “unconnected heap” of obligations (Joseph 1931, 67), refuse to offer justification for them, and are often unable to provide us with guidance with respect to difficult moral questions (especially in cases where different *prima-facie* duties conflict). In contrast, rule-consequentialism succeeds on all counts.

It is of course disputable whether one should accept all of the listed criteria for the evaluation of moral theories. I wish to focus on criterion (4) in particular, since it seems to play a particularly important role in Hooker’s case in favour of rule-consequentialism. In order to see why, one must familiarize oneself with one of the most popular objections against rule-consequentialism: namely, its alleged inconsistency. If rule-consequentialism can be prevented from collapsing into act-consequentialism,<sup>20</sup> then there can be circumstances in which an agent

20. That it falls victim to such a collapse is the conclusion of another popular objection against rule-consequentialism. In its most common version, the objection is based on the assumption that, by adding increasingly detailed exception clauses to a moral code, one can optimize its production of good consequences. However, “[o]nce all the exception clauses are added, rule-consequentialism will have the same implications for action that act-consequentialism has” (Hooker 2000, 96). The defenders of rule-consequentialism like to reply at this point that the process of specification has to stop at some point before the extensional collapse into act-utilitarianism because of the increasing risks and costs of inculcating a large number of increasingly complex rules in cognitively and motivationally limited creatures like humans. The problem, however, is that blindly following simple rules such as “keep your promises” can result in disaster under unfavourable circumstances. Hence, adherents of rule-consequentialism like to incorporate a “prevent disaster” rule capable of overriding all other rules in the code. This does not amount to an acceptance of act-consequentialism, since the “prevent disaster” rule applies only in cases where the difference with respect to the amount of expected value between the action prescribed by the code and another action reaches a certain threshold (Hooker 2000, 95–99). Act-consequentialists might object that the introduction of an inevitably

has to follow certain moral rules even though she or he knows that this will not maximize the good in this particular situation – but how can this be compatible with the ultimate goal of the rule-consequentialist, which is to produce as much good as possible? Hooker’s first line of defence against this objection is to hint at the possibility that the general internalization of rule-consequentialism might actually produce better consequences than the general internalization of act-consequentialism (because act-consequentialism is likely to be plagued by a number of issues such as inefficiency, negative expectation effects and horrendous internalization costs) (2000, 99–100). This might be true, but it is not clear whether it helps to ease the tension an actual agent might experience when confronted with a situation where deviating from the code would foreseeably produce more good than acting in accordance with it. This is where Hooker’s second line of defence comes into play. According to Hooker, the fundamental moral motivation of a rule-consequentialist does not have to be an overarching commitment to maximize the good. Her or his fundamental moral motivation might rather be to do *what is impartially defensible* – a motivation which, when combined with the beliefs that acting on impartially justified rules is impartially defensible and that rule-consequentialism is the best account of an impartially justified set of rules, makes her or him as good a rule-consequentialist as one could wish for (2000, 101–102).

The interesting question is of course how impartiality is to be understood in this context and why one should grant it such a decisive role in the assessment of moral codes. Hooker acknowledges the existence of at least three different senses of impartiality. Firstly, there is a “minimal sense” of impartiality, “according to which impartiality requires merely that [certain] rules or considerations [which are taken as given] be applied impartially, that is, in an unbiased way” (2000, 23–24). Secondly, there is a sense of impartiality which refers to the scope of rules or considerations. Impartiality in this second sense requires certain rules or considerations (which again are taken as given) to “apply to all cases that have exactly the same universal features” (2000, 25). Finally, there is a sense of impartiality

arbitrary threshold for the direct maximization of wellbeing looks very much like an *ad hoc* manoeuvre, i.e. a manoeuvre motivated solely by the aim of avoiding act-consequentialism. The defenders of rule-consequentialism will however try to counter this objection by arguing for the claim that the general internalization of rule-consequentialism (including a somewhat arbitrary “prevent disaster” clause) produces better consequences than the general internalization of act-consequentialism.

which is more fundamental since it does not take certain rules or considerations as given but rather aspires to constitute a justifiability criterion for them (2000, 25–26). It is this last sense of impartiality that, according to Hooker, is relevant to the characterization of the proper motivation of a moral agent as well as to the assessment of moral codes. Regarding the question of what this fundamental impartiality amounts to, Hooker claims that “the most obvious conception [...] remains one holding the wellbeing of each to have equal importance in the sense that benefits or harms to one individual matter exactly the same as do the same size benefits or harms to any other individual” (2000, 26). Another popular conception of fundamental impartiality he mentions is the one espoused by Rawls according to which principles are impartially justified only if they could get the uncoerced consent of rational persons behind the veil of ignorance (see 1999, 160–168).

Whichever conception of fundamental impartiality is ultimately preferred, it is interesting to ask what enables the concept of impartiality to play such an important role in the assessment of moral codes. There are two interconnected worries regarding the work the concept of impartiality is assigned to do: firstly, there is the worry that, regardless of whether the concept of impartiality is applied to the application of a rule or to the rule itself, its function seems to consist in tracking deviations from a pre-supposed standard that benefit a certain party to the cost of another. Applying the concept to a code (instead of its application) might thus come down to nothing more than saying that it does not deviate from the right code in the way mentioned above (i.e. the code that really determines what makes people owe certain things to each other and what makes people deserve certain things) without telling us anything about what that code looks like.<sup>21</sup> Interestingly, Hooker makes an analogous point with respect to the concept of desert:

[T]he claim that people should get what they deserve can be heard as the tautology that people should be treated as the balance of relevant moral reasons require. Here again we see a moral concept being used so broadly as to require for its application an account of all other moral reasons. (2000, 47)

21. This seems to be happening in the case of the Rawlsian conception of impartiality, where the totality of the substantial normative contents enters via the list of pieces of information that are filtered out by the veil of ignorance.



However, even if we assume that the above-mentioned worry is unsubstantiated because the concept of impartiality really has an intension specifiable independently from a calculation of the overall balance of reasons, there is a second worry, namely that the relevant concept of impartiality is a *moral* concept (and the implied demand a moral demand) and thus forms a part of the very code which is being assessed by reference to it. If this is indeed the case, the intended assessment manoeuvre can only be saved from vicious circularity by excluding this particular element of the code from the assessment, thereby promoting it to a sort of fundamental value by removing the limitations that result from the co-presence of other values. Something along these lines seems to be what Frank Jackson has in mind when he writes:

Although [...] we should seek the best way of constructing a coherent theory out of folk morality, respecting as much as possible those parts that we find most appealing, to form mature folk morality, it may well be that one part or other of the network is fundamental in the sense that our search for mature folk morality will go best if we seek to derive the whole story starting at that part. The history of ethical theory is full of attempts to identify, out of the mass of moral opinions we find initially appealing, a relatively small number of fundamental insights from which all of what we find (or will or would find) most plausible under critical reflection [...] can be derived. (1998, 134)

Unfortunately, it is entirely unclear which standard of success Jackson intends to appeal to when he writes that a part of morality can be regarded as fundamental if the “search for mature folk morality will go *best* [my emphasis] if we seek to derive the whole story starting at that part.” Inasmuch as it is unclear which standard of success is involved in such a claim, there is no reason to assume that a new code, be it inspired by a particular element of common morality or not, is superior to the latter.

Be that as it may, it certainly is the case that a plea for moral change has a much better chance of being regarded as a rational and legitimate demand (rather than an arational persuasion manoeuvre) if it can be presented as a natural expansion of a value that is already to some extent part of the established canon.<sup>22</sup> Those who fight for ideological change usually

22. Arguably, this is what happens when the scope of the requirement of impartiality in the sense of an equal concern for the wellbeing of all members of a specific group is expanded so as to include not only one’s closest family but every sentient being. A comparable expansion attempt is sometimes performed on the value of tolerance.

do not invent new values; they try to expand on particular values that are already widely shared by claiming either that the respective values are more fundamental than others (cf. Hanfling 1997, 547) or that they draw upon a deeper, more sophisticated or more consequent understanding of them (cf. Murdoch 2001, 27–29). However, it is neither sufficiently clear what being “more fundamental” than other values amounts to<sup>23</sup> nor what it means for an understanding of a value to be “deeper,” “more sophisticated” or “more consequent” than the one that is widely shared. Unfortunately, this is a question that cannot be further pursued in the confines of the present paper. I content myself with pointing out that, whatever an investigation of this question would bring to light, it seems safe to say that the pressure to uphold the appearance of continuity with (parts of) the established moral practice is rather high, even for those who intend to criticize it. I shall say somewhat more on the subject of moral change at the end of the following section, in which I discuss the merits of the position that denies the possibility of a legislative perspective on morality.

#### 4. Morality as a Teleologically Autonomous Practice

In the last two sections of the present paper, I discussed two positions according to which it is possible to take up a legislative perspective on morality. I will now turn my attention to the position that denies that possibility. The idea that morality is a practice that, because teleologically autonomous, is not assessable, has been espoused, amongst others, by Robert Arrington. According to him, “[m]orality does not compete on [...] any ground external to itself; it exists only to promote morally correct behaviour. [...] If moral rules have their own internal ends, there is nothing independent of them that can be appealed to in order to determine if they are justified or not” (1989, 245–255).<sup>24</sup> Another adherent of the autonomist

23. The required sort of fundamentality can neither be one which amounts to taking priority over the other value in cases of conflict nor one which amounts to incorporating the other value (such that the latter can be derived from the former). The relevant sense of fundamentality has to be one that contains a justification for (partially) abandoning one value in favour of the expansion of another.

24. Similar statements can be found in Charles Larmore’s *The Autonomy of Morality*, though he is more concerned with attempts to justify morality on the basis of non-moral considerations: “There is no way to reason ourselves into an appreciation of moral values from some standpoint outside of it. Morality only makes sense in its own terms.” (2008, 88)

position is Paul Johnston, who points out that the search for a (further) basis of proof or justification is among the prevalent motives out of which philosophers try to ascribe to morality a certain *telos*:

[A] basis for proof is sought by presenting morality as a vehicle for self-interest or as a device with a certain social function. Such moves, however, are reductive and offer a distorted picture of morality, for if one wishes to claim that morality has a point or purpose, then this point is no less controversial than morality itself. (1989, 67)<sup>25</sup>

Insofar as it cannot be shown that orientation towards a certain *telos* is already part of the constitutive rules of the established moral practice, any case in favour of ascribing a certain *telos* to morality will turn out to be rather meagre. It will have to rest on morality's partial coincidence with a practice that indeed has the alleged *telos*. As Johnston points out, a philosopher's willingness to rely on such a case will grow to the extent that she or he regards the established moral practice as being in (desperate) need of justification. The autonomist position does not hold that morality is in need of justification. To the extent that it can defend itself with respect to this point, it can afford to not conceive of morality as a device with a certain function and thereby avoid being accused of depicting morality in a distorted way or of secretly changing the topic.

The autonomist position draws upon several observations. One of them is that the analogy between morality and the law breaks down at certain important points. While the law can be assessed and modified on the basis of moral considerations, there is no obvious answer to the question of which standard could play an analogous role in the case of morality. The analogy between morality and the law also suffers from another problem: for morality, there is no clear separation between judges and legislators whereas in law, there are clearly separated roles for the execution of acts of judgement and acts of legislation. Of course, in certain cases a person can occupy both roles: that of a judge and that of a legislator – but this is possible only because of a certain institutional embedment that guarantees that the two roles cannot be executed simultaneously. Legisla-

25. A similar line of thought has been pursued by D. Z. Phillips and H. O. Mounce. According to them, “[m]oral concepts are not functional. One can see what is to count as a good knife by asking what a knife is *for*, but can one see the point of generosity in the same way? To ask what generosity is *for* is simply to vulgarize the concept; it is like thinking that ‘It is more blessed to give than to receive’ is some kind of policy” (1965, 313).

tion is coordinated and stabilized by more or less clearly defined processes and regulations that are enforced by the state. The existence of these institutional elements is far from trivial. Without them, the multi-level structure of the law would collapse.

Another consideration that speaks in favour of the autonomist position consists in the acknowledgement of the fact that the common ways of identifying the point, purpose or *telos* of a practice are not available in the case of morality. Morality is not an institution, i.e. not a product of conscious decisions and design. Theonomous assumptions aside, morality has not been invented – *a fortiori* not for a specific purpose (cf., for instance, Darwall 2013b, 87).<sup>26</sup> It is thus not possible to identify its purpose by inquiring about the intentions of its creators. There is also no participation motive that could be regarded as typical. The most virtuous participants of moral practice do not engage in it for a certain reason but rather act for reasons that, according to the standard of morality, are *good* reasons, i.e. they help others because they are in need (and not because they thereby enhance their chances of receiving help under comparable circumstances). Of course, there are people who conform to moral rules for reasons not approved of by morality, but it is far from clear whether these people can be said to participate in the practice of morality, let alone represent its typical participants. In the end, it might be possible to identify the evolutionary *telos* of moral practice. However, such *teloi* are labelled “evolutionary” precisely because they are not *teloi* in the narrow sense of the word, i.e. something that has a guiding function for the participants of the respective practice. Having sex has a rather obvious evolutionary function, which is happily ignored most of the time by the majority of people in our culture.

How about Wittgenstein’s remarks about the point of games (and social practices in general)? Do they provide additional clues as to how the point of moral practice could be identified? In one passage from the *Philosophical Investigations*, it is suggested that there exists a close connection between knowing the point of a practice and knowing which rules are essential to it and which are not:

26. As Jonathan Dancy points out, even though morality has not been invented by a group of experts, it may be that it is, as a matter of fact, conducive to certain purposes. However, this in itself does not make it possible to derive a set of requirements for moral codes (2004, 83).

[I]f a rule of the game prescribes that the kings are to be used for drawing lots before a game of chess, then that is an essential part of the game. What objection might one make to this? That one does not see the point of this prescription. Perhaps as one wouldn't see the point either of a rule by which each piece had to be turned round three times before one moved it. If we found this rule in a board-game we should be surprised and should speculate about the purpose of the rule. ("Was this prescription meant to prevent one from moving without due consideration?") [...] If I understand the character of the game aright—I might say—then this isn't an essential part of it. (§§567-568)

The connection between the point of a practice and the relative importance of its different rules can also be described as follows: by changing important rules of the practice, one risks rendering the latter pointless, whereas changing unimportant rules does not have such an effect. Now, are there rules that are constitutive to the common moral practice and that we regard as clearly less important than others? Most people would probably immediately think of those rules that determine what counts as a comparably minor wrongdoing. However, the case of morality is not really analogous to that of the board-games examined by Wittgenstein. That a certain kind of wrongdoing is less severe than another seems to be something which is also determined by moral rules, whereas there is no rule in chess according to which the rule that white draws first is less important than the rule that the king can only move one square at a time. In order to know that the rule determining who draws first in a game of chess is comparably unimportant, one has to have an idea about what the point of the game is. In contrast, the knowledge that littering is less severe an act than murder seems to be straightforwardly derivable from one's acquaintance with the constitutive rules of moral practice.

However, as Timo-Peter Ertz observes, the point of a practice is not determined exclusively by its constitutive rules but also by its functional embedment in our lives, i.e. by its connections to other practices and by the nature of the occasions in which we typically engage in it (2008, 63–71). He illustrates this point by means of a somewhat bizarre example. We should imagine a practice the constitutive rules of which are identical to those of association football but the functional embedment of which is as follows: the "game" is only played once each year, namely at summer solstice. In preparation for the event, the participants spend one year at an isolated facility (the so-called "players seminar") where they purify themselves. During the game, the spectators have to maintain absolute silence. If the team in black wins, half of the crop is sacrificed; if the team in white

wins, half of the livestock is sacrificed. The winners are praised for the rest of their lives, whereas the losers are enslaved. In the event of a draw, the players themselves are sacrificed (2008, 10). Such a practice is of course more a rite than a game – even though its constitutive rules are identical to that of the football game. Whilst one could more or less plausibly claim that it belongs to the point of the football game to be entertaining, this cannot be said about the football rite because of the graveness of its consequences (2008, 11). Accordingly, it makes sense to criticize participants of the football *game* who (out of excessive ambition) accept high risks regarding injuring others as well as themselves, participants who play very unattractively in order to secure victory or participants who are completely indifferent with respect to the outcome of the game, by saying that they do not respect the point of the practice (2008, 70). In contrast, it is not so clear whether participants of the football *rite* who play in a very boring way in order to secure victory can be said to miss the point of the practice.

What can be said about the functional embedment of the moral practice? It is not confined to a more or less specific context (as, for example, the above-described football rite or chess), but figures rather as an (arguably) ultimate standard of behaviour that pervades all spheres of life at all times. Furthermore, as in the case of the law, no one can escape morality in order to avoid being treated by the others according to the corresponding rules by “opting out of the game.” The pervasiveness of moral practice makes it hard if not impossible to derive clues regarding the nature of its point from an analysis of the types of situations in which people typically engage in it. In light of the pervasiveness and inescapability of moral practice, one could of course come to the popular conclusion that the point of moral education is to harmonize people’s desires and expectations towards each other and that the point of the moral mode of reasoning is to provide humans with a peaceful means of conflict resolution. However, none of these alleged points of the moral practice allows one to argue for or against particular moral rules: aristocratic morality serves the purpose of social coordination no less than bourgeois morality, despite the existence of important differences in content between the two. At best, one can derive from the *telos* of social coordination the requirement that the areas of indeterminacy in the moral practice be reduced as much as possible. Yet, even if the two sides of a moral dispute (that exists because of the underdeterminacy of a specific moral rule) agree that it would be better if the mentioned rule rendered a clear verdict regarding the case at issue, they still lack the resources to rationally argue in favour of a certain way

of specifying the relevant rule. This problem cannot be regarded as trivial, considering what can be at stake in certain cases of moral dispute.

What about Wittgenstein's claim that most practices would become useless, pointless or even impossible if certain general facts of nature (that is, environmental conditions as well as facts about human nature) were to change? A well-known passage of the *Philosophical Investigations* reads as follows:

[I]f things were quite different from what they actually are——if there were for instance no characteristic expression of pain, of fear, of joy; if rule became exception and exception rule; or if both became phenomena of roughly equal frequency——this would make our normal language-games lose their point.—The procedure of putting a lump of cheese on a balance and fixing the price by the turn of the scale would lose its point if it frequently happened for such lumps to suddenly grow or shrink for no obvious reason. (§142)

Wittgenstein's example involving suddenly growing and shrinking lumps of cheese is certainly far-fetched, but it serves well to illustrate the fact that a change in the environmental conditions can make it reasonable to change certain practices – or even abandon them completely. Henceforth, it suggests itself to approach the question regarding the point of morality via a reflection about whether certain changes of general facts about our world would prompt us to change the constitutive rules of moral practice. What, for example, if scarcity of material goods became a thing of the past? Would we, under such circumstances, think that the moral norms regarding the treatment of other people's property should become more relaxed? This is a tempting thought, but it does not lead very far, for the answer to the moral question of how to treat the property of others depends on the nature of the rules determining what makes something someone's property in the first place, and these are not moral rules. Moreover, one should also notice that the moral rules with respect to the treatment of others' property are already relatively sensitive to changes in the context in which the actions under consideration take place. For example, we regard it as less severe if someone steals something in order to survive than if someone steals the same thing for reasons of convenience. That moral rules are already very context-sensitive and thereby able to do justice to quite a broad range of circumstances can also be observed when imagining a scenario in which it is significantly more dangerous to tell the truth than it is in the societies in which we live (e.g. a dictatorial regime

that strongly encourages people to denunciate dissenters). Would we not say that the moral rules regarding sincerity should be modified under such circumstances? I do not think so, for it seems that the rules of common morality do not demand that one tell the truth regardless of the expected consequences.

Another example is a bit more complicated: what would we think about a scenario in which, for some reason, everyone has become much more resistant against psychological damage than people are today? Would the rules against treating people in humiliating ways become pointless under such circumstances? If an action counts as humiliating in virtue of its foreseeable production of a certain sort of psychological harm, then the rule becomes obsolete, because it becomes more or less impossible to violate it.<sup>27</sup> However, rules that are obsolete or inapplicable in this sense should be distinguished from rules that can be violated but are nevertheless pointless. Philippa Foot's famous rules prohibiting running around trees left-handed or looking at hedgehogs in the light of the moon (2002a, 107) arguably exemplify the latter case. Unlike in the case of inapplicable and obsolete rules, a substantial standard (of superior importance or reliability) is needed in order to establish the pointlessness of rules of the latter kind.

However, Foot does not so much argue for the *pointlessness* of rules of the above-mentioned sort but rather tries to defend the view that such rules do not deserve to be called "*moral* rules" because they are not "connected with human good and harm" (2002b, 120). In her later writings, she further pursues this line of thought by arguing that what is morally good or virtuous depends in a very direct way on "essential features of specifically human life" (2001, 14). Following P. T. Geach (1956), she argues that "good" is an attributive rather than a predicative adjective; that is, it resembles adjectives like "large" rather than "red". "Large" picks out differ-

27. The situation would be different if certain actions were to count as expressions of disrespect (and hence as humiliating) because they typically (though not always) produce a certain form of psychological harm. If, due to changes in the average person's psychology, it were no longer the case that these actions typically had the mentioned effect, this could lead to a change in their symbolic value that, in turn, would render the prohibition against humiliating treatment inapplicable to them. However, I think that it is fair to say that in such a case we are not really dealing with a modification of the moral rules themselves, but only with a change in the expressive qualities of certain actions. Of course, if humiliation consists in something that is not directly connected to causing psychological damage, then a change in the average susceptibility to such damage is not particularly relevant in the first place.



ent sizes depending on what it is applied to, unlike “red” which always picks out the same colour: in basic terms, a large ant and a large elephant do not have the same size, whereas a red car and a red carpet have the same colour. In a similar manner, a good car is not good in the same way as a good computer is good – the form of their respective goodness depends on the purposes for which these artefacts have been designed. In addition to this “secondary” sense of goodness – goodness with respect to *our* purposes – there exists, according to Foot, a “natural” sense of goodness that is attributable only to living things and does not depend on *our* wants, needs and purposes (2001, 26–27). According to Foot, the evaluation of living things in terms of this natural goodness is closely related to so-called Aristotelian categoricals (i.e. statements manifesting a certain type of life-form description that will be further specified below). More specifically, Foot thinks that evaluative statements can be made “where there is intersection of two types of propositions: on the one hand, Aristotelian categoricals [...], and on the other, propositions about particular individuals that are the subject of evaluation” (2001, 33). According to Foot, then, Aristotelian categoricals provide the standard against which we measure character traits and other features of particular members of a species.<sup>28</sup> We call individual living things (including plants) “bad” or “defective” to the extent that they diverge from the norms set by the Aristotelian categoricals.

Aristotelian categoricals are neither based on statistical data about the features commonly found in the members of a certain species nor are they statements about features that promote evolutionary fitness. They rather identify the features needed by individual members of the species for “development, self-maintenance, and reproduction”<sup>29</sup> (whereby the relevant features needed by one individual might sometimes be features of another individual or features of a group of such individuals) (2001, 33).<sup>30</sup> According to Foot, if these features have something to do with the quality of

28. Rosalind Hursthouse provides a comprehensive list of the things assessable with respect to species-specific goodness that includes the parts, operations, actions, desires and emotions of living things (1999, 202).

29. Hursthouse makes use of a similar list of natural ends. Hers, like Foot’s, includes the two ends of individual survival and reproduction (i.e. continuance of the species). In addition, Hursthouse’s list includes freedom from pain and species-specific enjoyment in the case of sentient beings and the good functioning of the group in the case of social animals (1999, chap. 9).

30. These features will in many cases coincide with features that promote evolutionary fitness.

the will of rational creatures, we call them “virtues”, and many virtues have the effect of benefitting creatures other than their bearer.

Does ethical naturalism (i.e. the attempt to base ethics on considerations of human nature in the way outlined above) constitute a threat to moral autonomism? This is not as obvious as it might seem at first glance, for it is unclear whether ethical naturalists of the described sort even hold revisionist or legislative ambitions. Foot’s ambitions rather seem to be directed at the correct interpretation of our moral language; that is, she seems to be interested first and foremost in identifying the rules that actually govern the use of moral terms such as “good” and “virtuous”. An enterprise with this aim does not really have legislative or revisionist potential.

Having said this, it is of course in principle possible to proceed differently, namely by trying to argue that Aristotelian categoricals should be regarded as a standard for the assessment of moral practice. There is, however, a reason why the adherents of ethical naturalism have usually been reluctant to march in this direction. Gary Watson puts the problem in the form of a dilemma: “Either the theory’s pivotal account of human nature (or characteristic human life) will be morally indeterminate, or it [...] will [not] ground moral judgement but rather express it” (1990, 462–463). While the question of which character traits or practices best contribute to the realization of ends such as self-maintenance and reproduction might seem to be more or less straightforwardly empirical (though I will argue further down that it actually is not), the question of what promotes *human development* and the *good working of the group* certainly is not: these phrases are much too vague to demarcate a clear end – unless of course they are specified in a way that draws upon traditional evaluative schemes or virtue concepts.<sup>31</sup> However, such an account of human nature obviously fails to provide an independent standard against which the established moral practice could be measured.

The proponents of ethical naturalism are of course aware of this and are therefore rather cautious when it comes to making claims about the legislative potential of the conception of human nature they rely on. Martha Nussbaum emphasizes that the Aristotelian conception of human na-

31. Whether cruelty towards animals counts as a vice according to ethical naturalism depends, for example, largely on how the end of “human development” is interpreted. Being cruel to certain animals certainly does not preclude the attainment of ends such as individual human survival or the continuance of the human species.

ture is “internal and evaluative” rather than “external and scientific” (1995) and Rosalind Hursthouse maintains that ethical naturalism “does not seek to establish its conclusions from ‘a neutral point of view’” (1999, 193). She furthermore makes a vague appeal to Otto Neurath’s metaphor of the sailors who must reconstruct their ship on the open sea, thereby suggesting that, in ethics too, we need to work with what we have: our inherited common moral practice and a conception of human nature that is (at least in part) dependent on the latter (or at the very least heavily influenced by it). She claims that this suffices to put the ethical naturalists in a position from which they can “provide rational credentials for our beliefs about which character traits are the virtues, not merely re-express them” (1999, 193), but she does not further elaborate on this point. However, a coherentist process of justification is only possible where the different elements in the web of belief in which equilibrium is to be achieved are sufficiently independent from each other to begin with. Whether this precondition is fulfilled in the case under consideration is far from clear – especially if one takes into consideration the fact that there are further points at which the whole enterprise of a legislative version of ethical naturalism would have to rely on the established moral practice in order to arrive at a determinate picture of what counts as “good” and “virtuous”. In addition to how ends such as *human development* and the *good functioning of the group* are to be specified, other questions are left open by Foot’s and Hursthouse’s catalogues of ends. For example, there is the question of how the different ends in the catalogue are to be weighed in relation to one another<sup>32</sup> and how ends such as individual survival and freedom from pain are precisely to be realized. Should this be in a way that gives equal weight to everyone or that maximizes the total number of beneficiaries – or rather in one of the many other imaginable ways? Leaving these questions unanswered provides the adherents of ethical naturalism with the luxury of being able to state criteria for human goodness and virtuousness that are appealing at first glance, while at the same time being able to reconstruct or criticize parts of the traditional catalogue of virtues *ad libitum*.

Proponents of ethical naturalism could at this point insist that, while their account does not provide us with the resources necessary to subject the traditional catalogue of virtues to detailed criticism, some coarse-

32. Whether celibacy and homosexuality turn out to be vices depends on whether ends such as human development and species-specific enjoyment sometimes take priority over the end of species-continuance.

grained assessments are nevertheless well within the reach of its capabilities. For example, an assessment according to which rules prohibiting running round trees left-handed and looking at hedgehogs in the light of the moon have nothing to do with moral goodness and virtuousness and are generally pointless. However, it is unclear why we should think that ethical naturalism is needed to arrive at such a conclusion with respect to rules of the mentioned sort. The opponents of ethical naturalism could insist that the reason for which we spontaneously assess these rules negatively simply consists in their divergence from common moral practice, which of course assigns an important role to human needs and interests. Because of this, it is very hard to tell whether we do anything more than re-express the common moral practice when we assess it positively in virtue of the fact that its inculcation into the members of a society tends to promote the fulfilment of human needs and interests.

Some will still be dissatisfied with this answer. Is it not obvious, it might be asked, that it is due to facts about the relative non-injuriousness of litter to humans (and hence due to facts about human nature) that we have rules determining that murder is worse than littering, and not vice versa? To this, it can however be replied that it is one thing to say that general facts about (human) nature have had an influence on the shape of our moral practice, and quite another to say that moral practice can or should be justified by referring to facts of human nature. Autonomism with respect to moral practice stands at odds with the latter claim, but not with the former. We might, because of our biological make-up and the environmental conditions we live in, find certain practices natural, but, as Wittgenstein argued, acting in certain ways (e.g. continuing the series “2, 4, 6, 8, ...” with “...1000, 1002, 1004, ...” rather than with “...1000, 1004, 1008, ...”) “is not correct because it is natural. If anything, it is because we find it natural that we make it correct” (Baker and Hacker 2009, 217), that is, establish a corresponding practice.<sup>33</sup> It should be added that what we find natural depends not only upon factors such as our biological nature and the environmental conditions we live in, but also upon the training and conditioning we receive in our childhood. Our needs, interests, reactions and dispositions can be shaped to a certain degree through the early inculcation of certain practices. Hence, certain practices have a tendency to perpetuate themselves: they demand of their participants to make certain ways of acting seem natural to their children. Of course, not every imagi-

33. Cf. Zettel, §331.

nable practice can be crafted upon our human nature, but the latter leaves enough leeway for a vast multitude of second natures, of which not all need to have the effect of promoting human wellbeing. One could imagine, for example, a culture the members of which, due to a kind of obsession with personal strength and overcoming challenges, have come to adopt practices that tend to reduce their wellbeing (as we understand it).<sup>34</sup>

Foot and her followers might insist that a practice of this sort could no longer be described as a “moral practice” due to a content-restriction on what counts as a “moral system”. However, at this point in the investigation, it is not of much interest to dispute how the term “moral” is to be used. A practice of the mentioned sort could be embedded into our lives in a way strongly resembling that of our moral practice: it could take the form of an ultimate standard of behaviour and play an important role in licencing Strawsonian “reactive attitudes” such as indignation, blame, anger, etc. The point in imagining such alternative moral practices (“moral” being used in a non-committal, ethnographical sense here) is not to delegitimize our moral practice but to remind us of the fact that human wellbeing cannot be regarded as a standard independent of our moral practice, against which our moral practice as well as alternative ones can be measured.

The most radical but probably also most elegant and promising way to argue in favour of the teleological autonomy of morality is via the claim that common morality partially shapes our concepts of reasoning and justification, i.e. that it partially determines what counts as a good reason or as a valid justification *tout court* (cf. Hanfling 2003, 38–40). This is not an *ad hoc* manoeuvre; it is independently supported by the fact that not only actions but also reasons can be assessed with respect to their moral quality. This facet of the moral practice constitutes a crucial difference to most other practices we know. The existence of other practices might influence what reasons we have in a certain situation (for example, by imposing cer-

34. Confronted with criticism holding that their practice should be modified because it fails to promote human wellbeing, the members of such a culture might reply: “Well of course, that is exactly the point of it.” Alternatively, they might adhere to a conception of wellbeing that narrows wellbeing down to success in overcoming challenges and in enduring hardships. It is the latter possibility D. Z. Phillips and H. O. Mounce refer to in their critique of ethical naturalism when they write that “what must be recognised is that there are different conceptions of human good and harm” (1970, 53) and “that human good is not independent of the moral beliefs people hold, but is determined by them” (1965, 314).

tain sanctions on certain forms of behaviour), but they have no influence on what *counts* as a good reason. The crucial point, according to this reasoning, is that moral practice cannot be assessed because it belongs to the ultimate means of assessment. A similar line of thought is present in Wittgenstein's insistence that we cannot criticize our "form of life" (i.e. the totality of the verbal and non-verbal practices of a culture) as a whole, that is including the parts of it which provide the means of rational criticism (see Glock 1996, 124–129).

Wittgenstein's point about the *immanence* of justification is closely related to his frequently cited remarks about the *finitude* of justification. Justification and reason-giving are practices too,<sup>35</sup> and once the correct justification moves are executed, not much remains to be done. We quickly and inevitably arrive at a point where all that can be said are things like "Well, this is what is called 'giving a reason'" or "This is what we do" (Wittgenstein 1968, §217). It is of course not surprising that such claims raise suspicions – especially among philosophers, who are trained to call everything into question and to ask for reasons even for things most people take for granted. Everyone should be suspicious of people who demand that one accept their position while refusing to give reasons for it, and the position defended here "seems to allow anyone who is having difficulty justifying her position to escape simply by invoking bedrock" (Johnston 1999, 62). However, the point about the finitude of justification is not about accepting a certain substantial position without reasons, but about a structural point regarding the practice of justification or reason giving. If it is true that all justifications come to an end sooner or later, one has to distinguish between two kinds of situations in which no reasons can be provided: the situation where a chain of reasons has come to an end and the situation where no sufficient reasons were ever present in the first place. It is to the danger of confusing these two that Abraham Melden alerts us in the following passage:

To conclude [...] that the moral attitude, since it can not [sic] be supported by any reason, is unreasonable is to confuse the present case in which no reason in principle is possible with the familiar situation in which reasons, while possible, are not forthcoming. Indeed, the moral attitude requires no

35. By saying that there is a form of justification that transcends all conceptual systems and forms of life, one at best expresses one's strong allegiance to the standard of rationality of a specific conceptual system or form of life.

reason since it defines, implicitly, what it means to be reasonable in our attitude towards others. (1948, 455)

Asking for reasons at a point where no reasons can be provided because the chain of reasons has come to an end (and not because no reasons existed in the first place) testifies to either the incompetence or the unwillingness of the questioner to participate in the moral practice. In both cases, little remains to be done on the argumentative level. Not every demand for a reason or justification is legitimate. Unless this is taken into consideration, the danger of coming up with pseudo-justifications at a point where justifications would otherwise no longer be possible is equally great to that of letting something unjustifiable stand unquestioned (cf. Wittgenstein 1967, §314).<sup>36</sup>

What makes the proposal delineated above seem unattractively radical is that it apparently leaves no conceptual room for such a thing as a rational argument in favour of the moral practice and, hence, specifically *moral* progress.<sup>37</sup> Because of a phenomenon that could be called “histori-

36. Philosophers who work in the Wittgensteinian tradition and try to defend the claim that certain propositions in the domain of morality are not further justifiable usually assimilate these propositions either (a) to constitutive rules (i.e. “grammatical propositions”) or (b) to so-called “hinge propositions” or “basic certainties” as discussed in Wittgenstein’s *On Certainty*. For the former see, for example, Arrington (1989, 248–315), Hanfling (2003; 2008) and Kiesselbach (2012, 56–79). For the latter see, for example, Pleasants (2008; 2009) and Wachtendorf (2008, 184–188). Hinge propositions are propositions that play a “peculiar logical role in the system of our empirical propositions” (OC, §136) to the effect that they cannot be supported by evidence because there are no more fundamental propositions that could support them. Hinge propositions are sometimes assimilated to grammatical propositions because they too are in a certain way constitutive of a practice, namely that of doubting: “Doubt presupposes not only the possibility of certainty, but that many things *are* certain” (Glock 1996, 80). However, assimilating hinge propositions to grammatical propositions is problematic insofar as the negation of hinge propositions (as opposed to that of grammatical propositions) is commonly taken to make sense. Unfortunately, I can neither inquire further into this issue nor conduct an assessment of the relative merits of two above-mentioned approaches in the confines of the present paper.

37. Not every widespread change in moral views is due to a change of the moral practice. The moral assessment of a particular situation in real life always depends on empirical assumptions – assumptions that sometimes turn out to be untenable. Moral change based exclusively on a change of the underlying empirical views should be distinguished from moral change based on a change of the evaluative practice, i.e. the practice mapping evaluative, normative and deontic predicates to certain situations. Whether particular historical cases of changes in moral views are of the former or the latter sort is a question that must be left to the historians. The same applies for the question of whether changes in empirical beliefs have sometimes led to changes in evaluative practices.

cal blindness,” this problem does not become acute as long as one only examines the moral changes of the past. Since we have no other choice but to apply to these changes our present standard of moral rationality, we inevitably come to the conclusion that the development of the present moral practice out of its previous states has been an improvement (and the same of course holds for assessments of the current moral practice from the perspective of its future states). It is primarily to the present advocates of ideological change that the autonomist position as specified above has to appear unacceptably conservative. According to the autonomist position, moral practice partially determines what counts as a good reason, and hence, every reason presented against the moral practice *ipso facto* amounts to a *petitio principii*: it is argued that X is not a (good) reason on the basis of the assumption that Y (which, according to X is not a good reason) is a good reason. But is this really the case? For this conclusion is a *non sequitur* if one assumes that certain tensions or inconsistencies already exist in the justificatory practices that make up a part of our form of life. According to Sabina Lovibond, people are able “(in virtue of the internal tensions or contradictions of [their] community’s form of life) to subject certain features of the established *Sittlichkeit* to an appraisal in terms of evaluative concepts which have their institutional basis elsewhere within the culture: that is how [they] will manage to be [...] *critic[s]*” (1980, 130). This idea is very appealing at first glance. Unfortunately, however, it is also very hard to substantiate the notion of an inconsistency between two (or more) *constitutive* rules.<sup>38</sup> What does it mean to say that, according to

However, whether specifically moral changes have ever occurred in the history of mankind is irrelevant with respect to the tenability of the points made in the present paper.

38. It should be mentioned at this point that the notion of inconsistency we are most familiar with in the moral context is not that of an inconsistency on the level of constitutive rules. I speak of the notion of inconsistency involved in the familiar argumentative scheme of claiming that it is “inconsistent” to regard it as permissible for A to V while regarding it as impermissible for B to V (or to regard it as permissible to treat A in a certain way while regarding it as impermissible to treat B in the same way). Arguments that fit this scheme must be regarded as practice-immanent justification moves. For whether the differences between A and B are morally relevant, and hence whether it is adequate to assess the respective cases differently, depends on the standards inherent to the practice. To say that it is “inconsistent” to treat them differently amounts to nothing more than saying that the standard inherent to the moral practice provides no conclusive argumentative resources in favour of treating the respective cases differently (cf. §§224–225 of the *Philosophical Investigations*, where an analogous claim is made regarding the concept of sameness). On appeals to consistency in moral disputes compare also Johnston (1999, 61–65).



one of the rules of chess, the bishop only moves diagonally whilst according to another, it only moves horizontally and vertically? At best, this can be taken to mean that there simply does not (yet) exist a rule regarding how the bishop moves – the two cited rules being supported by different groups of people who have a say with respect to the design of the game of chess. There is no such thing as a conflict between constitutive rules – there are only conflicting ways of reducing the underdeterminacy of constitutive rules.

Be that as it may, it should be noticed that none of what has been claimed above speaks against the possibility of a scenario in which a group of people start to find it natural to change to a moral practice slightly different from the one in which they used to take part without being able to justify their transition by reference to considerations which would count as good reasons under the earlier practice. However, if they succeed in committing themselves fully to the new practice (i.e. develop corresponding emotional and motivational reactions), they will, because of the above-described phenomenon of historical blindness, regard their development as an improvement.<sup>39</sup>

## 5. Conclusion

In the present paper, I have discussed the question of whether it is possible, adequate or even necessary to take up a legislative perspective on the common moral practice. In light of our treatment of other practices, one should expect it to be possible to either hold morality against another standard (if the latter is more important, more accurate or more reliable in a relevant sense) or assess whether it does full justice to its point or *telos*. That such an assessment of the common moral practice is possible seems to be a widely-shared assumption among moral philosophers. I have discussed two relatively recent projects in normative ethics that operate under this assumption, namely neo-Hobbesian contractarianism and rule-consequentialism, and have tried to show that they run into cer-

39. For a different way of defending the autonomist position against the charge of dogmatic conservatism, see Rentsch (1999).

tain problems. I then discussed the autonomist position, according to which the common moral practice has no point or *telos* in the usual sense by reference to which it can be assessed. To deny that moral practice has a point or *telos* of the sort that other practices have is of course not to say that morality is *pointless* in the familiar deprecatory sense of the word. It is less misleading to say, following Robert Arrington, that moral practice only has an *internal* point, namely the promotion of morally correct behaviour. What speaks in favour of the autonomist position is first and foremost the fact that the usually successful methods for the identification of the point of a practice fail when they are applied to the common moral practice. Furthermore, there is a certain appeal to the assumption that moral practice partially determines what counts as a good reason and a valid justification *tout court*, for it helps to account for the witnessed difficulties that emerge from the attempt to take up a legislative perspective on common morality. What seems to speak against the autonomist position is that it does not appear to leave much room for such a thing as rational moral change and thereby raises the suspicion that it ultimately amounts to a sort of dogmatic conservatism. I have argued that it is difficult to substantiate charges of this sort and that, because of the phenomenon of historical blindness, the autonomist story does not conflict with what people who change to a new moral practice typically think about the transition.

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